

Amendments to the Drawings:

Examiner objected to **Fig. 3** for filter 312 and D/A converter not being connected to the transmission line 110 as described on page 8 of the referenced patent application. Replacement Sheet for **Fig. 3** is hereby attached in addition to a red ink markup version.

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 112, First Paragraph Rejections

Examiner rejected claims 1 - 16 under 35 USC § 112, first paragraph as failing to comply with the enablement requirement. Examiner asserts “The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” (01/26/2005 Office Action, page 3, line 2)

Claims 1, 7, and 14

The applicant points out the “test for enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.” *In re Wands*, 858 F. 2d at 737, 8 USPQ 2d at 1404 (Fed. Cir. 1988). The test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, it is undue. *In re Angstadt*, 537 F. 2d 498, 504, 190 USPQ 214, 219 (CCPA 1976).

When considering the claimed limitation of a radio transceiver in view of the factors to be considered when determining enablement, clearly the claimed radio transceiver is enabled.

Independent claim 1, as amended, includes the limitation, or limitation similar thereto, of the radio transceiver to **route** the wireless communication data to at least one

device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively, wherein routing is determined by the connection type. This is fully supported in the specification. (see Application, p. 6 - 9).

One place where the limitation is supported states, “the services provided by data access device 102 include (1) a cordless telephony service, (2) a dial-up networking service and (3) a network (e.g. LAN) access service.” (see Application, pgs. 6-7, lines 25 – 26 and 1-2, respectfully). Additionally, “the requesting wireless communication device 112a-i requests one of the three services from data access device 102 at block 308. Accordingly, a link is established between the requesting wireless communication device 112a-i and data access device 102, thereby establishing a connection between these two devices for a given communications session at block 310. Further each service establishes a different type of connection” (see Application, p. 7, lines 3 - 10). Another place where the limitation is supported states, “because multiple connections can be established from the same or multiple wireless communication devices 112a-i, data access device 102 *routes the data to a designated location based on the connection* from which data is received.” (see Application, p. 7, lines 21 - 24).

Thus, routing is based on the connection. The connection is established by the service. The service is requested by the wireless communication device. Therefore, applicant submits that all claims, in particular the claim limitation of a radio transceiver to **route** the wireless communication data, is clearly enabled in accordance with the governing rules.

Claims 5 and 11

Claims 5 and 11, as amended, include the limitation, or limitation similar thereto, of the wireless communications data is routed to the D/A converter when the wireless

communications data is voice data, wherein voice data includes data received from a cordless telephony connection.

Applicant respectfully refers the Examiner to the Application, p. 7, lines 3 – 10, and 21-24, for one place where the limitation is supported. Additionally, the specification states “Method 500 commences when radio transceiver 308 receives data from one of wireless communication devices 112a-i at block 502. Upon receipt of the data, radio transceiver 308 determines *if the data is from a cordless telephony connection* for cordless telephony service at decision block 504. If the data is from such a connection, radio transceiver 308 *routes the data to D/A converter 314.*” (Application, p. 8, lines 3-7).

Therefore, applicant submits that all claims, in particular the claim limitation of a routing to the D/A converter when the wireless communications data is voice data, wherein voice data includes data received from a cordless telephony connection, is clearly enabled in accordance with the governing rules.

Claims 20 and 26

Claims 20 and 26 include the limitation, or limitation similar thereto, of formatting the wireless communication data into analog data at a first frequency range upon determining the wireless communication data is for a cordless telephony service.

The Examiner questions “how to determine that the wireless communication data is for a cordless telephony service.” (Office Action dated 01/26/2005, item 3). Applicant respectfully refers the Examiner to the Application, p. 7, lines 3 – 10, and 21-24.

One place where the limitation is supported states, “the requesting wireless communication device 112a-i requests one of the three services from data access device

102 at block 308. (*see* Application, p. 7, lines 3 - 10). Additionally, “the services provided by data access device 102 include (1) a cordless telephony service, (2) a dial-up networking service and (3) a network (e.g. LAN) access service.” (*see* Application, pgs. 6-7, lines 25 – 26 and 1-2, respectfully).

Therefore, applicant submits that all claims, in particular the claim limitation of determining the wireless communication data is for a cordless telephony service, is clearly enabled in accordance with the governing rules.

35 U.S.C. § 112, Second Paragraph Rejections

Examiner rejected claims 1 – 28 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 1, 7, 14, 17, 20, 23, and 26 to overcome the rejection. Therefore, applicant submits that all claims comply with 35 U.S.C. § 112, Second Paragraph and respectfully requests withdrawal of the rejections.

35 U.S.C. § 102 (e) Rejections

Examiner rejected claims 1, 3 – 6, 17 – 19 and 23 - 25 under 35 U.S.C. § 102(e) as being anticipated by Gerszberg, U.S. Patent No. 6,424,646 (hereinafter “Gerszberg”).

“To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Independent claims 1, 7, 14, 17, 20, 23, and 26 include limitations not disclosed or suggested by Gerszberg. In particular, the claims include the limitation, or limitation similar thereto, of a radio transceiver to establish a connection to the wireless communication device, wherein a *connection type is based on the service request*.

Rather, Gerszberg discloses the premise distribution network may include one or more Ethernet connections for connecting a plurality of devices such as a number of personal computers, a vision phone, and/or other devices. Further, the premise distribution network may include any number of conventional analog lines, each having one or more associated analog phones. Further, the premises distribution network may include any number of digital appliances such as ISDN compliant devices and/or video phones. (Gerszberg, col. 9, lines 28-42, and Figure 5).

Although Gerszberg discloses connections between the premise distribution network and a number of devices, the type of connection between any single device is static and determined by the *connection line*, such as Ethernet connections 501, analog lines 505, and ISDN lines. (Gerszberg, col. 9, lines 28-42, and Figure 5). Thus, the *connection line*, rather than a *service request*, as is claimed by applicant, determines the type of connection.

Therefore, since Gerszberg fails to disclose each and every element of the claimed limitations and there is no suggestion or motivation to modify Gerszberg to include the above limitations, the independent claims 1, 7, 14, 17, 20, 23, and 26 are patentably distinct from Gerszberg.

Furthermore, the remaining claims depend from at least one of the independent claims discussed above, and therefore include the distinguishing limitations of the independent claims. As a result, Applicant's remaining claims are also patentable over Gerszberg.

35 U.S.C. § 103 (a) Rejections

Examiner rejected claims 7 – 16, 20 – 22, and 26 - 28 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg in view of Foley, U.S. Patent No. 6,069,899 (hereinafter referred to as “Foley”) and admitted prior art (pages 1 and 2 of Background)

Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg in view of the admitted prior art.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180, USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Independent claims 1, 7, 14, 17, 20, 23, and 26 include limitations not disclosed or suggested by Gerszberg or Foley. In particular, the claims include the limitation, or limitation similar thereto, of a radio transceiver to establish a connection to the wireless communication device, wherein a *connection type is based on the service request*.

As previously discussed, Gerszberg fails to disclose each and every element of the claimed limitations and there is no suggestion or motivation to modify Gerszberg to include the above limitations.

Foley also fails to disclose such limitations. Rather, Foley is directed to using an unused portion of the spectrum of existing customer premises POTS wiring to network multiple network clients. (Foley, col. 2, lines 58-60). Foley fails to disclose or suggest a radio transceiver to establish a connection to the wireless communication device, wherein a *connection type is based on the service request*.

Therefore, the combination of Gerszberg and Foley does not teach or suggest each and every limitation of claims 1, 7, 14, 17, 20, 23, and 26. Accordingly, Applicant respectfully submits that independent claims 1, 7, 14, 17, 20, 23, and 26 are not rendered

obvious by the combination of Gerszberg and Foley, and respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

All of the dependent claims depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the dependent claims are also patentable.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding the claim.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Naya Chatterjee at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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DATA ACCESS
DEVICE 102

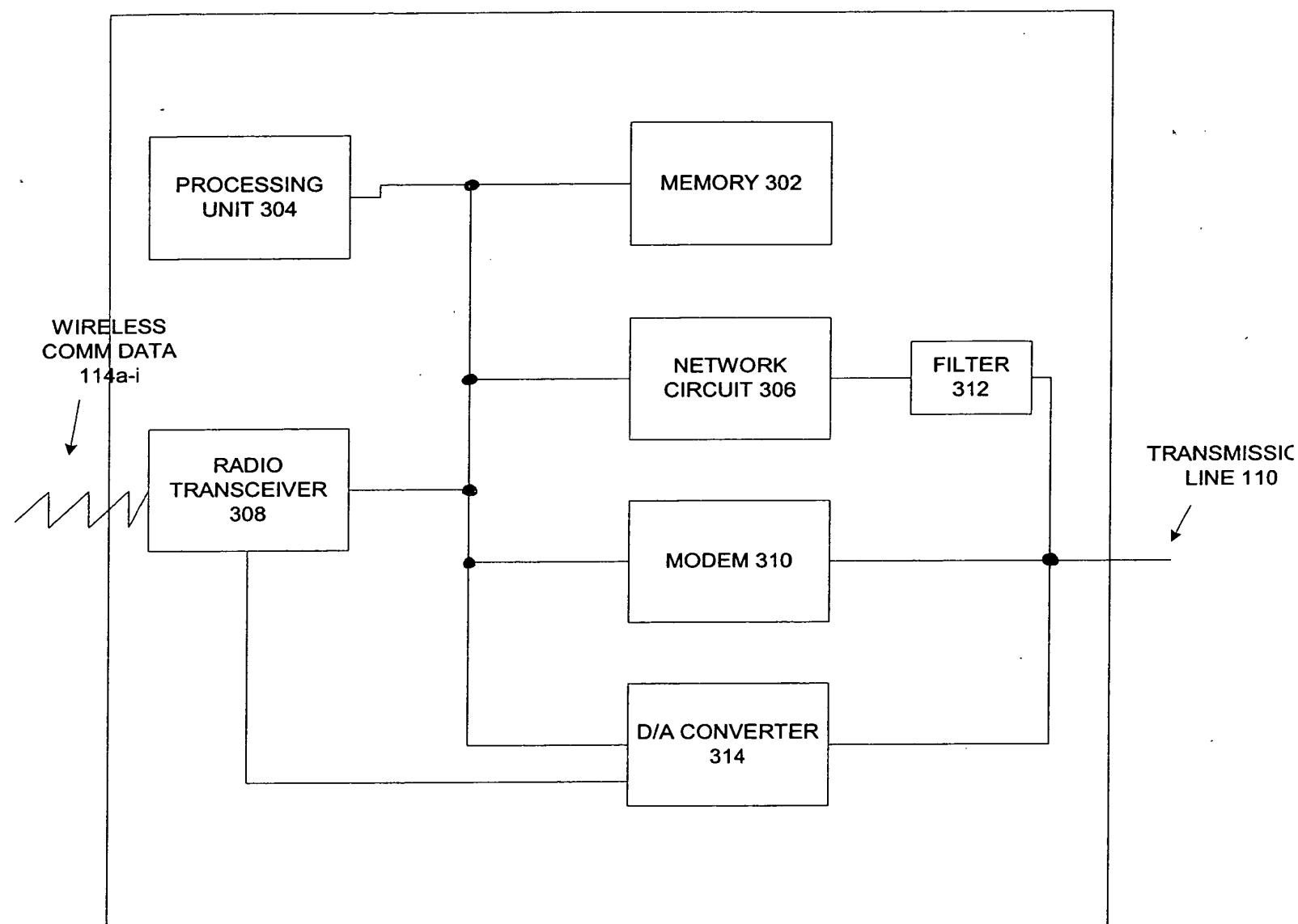


FIG. 3